

In the Drawings

The attached replacement drawings include changes to Figs. 1, 3A, 4A, and 5A. Applicants have hereby amended Figs. 1, 3A, 4A, and 5A to include main and auxiliary battery fill holes. The drawings are now prominently labeled replacement drawings.

This set of drawings replaces all prior versions, and listings, of drawings in the application.

REMARKS

Further to the restriction requirement mailed June 12, 2006 and notice of non-compliant amendment issued July 18, 2006, Applicants hereby re-submit amended Figs. 1, 3A, 4A, and 5A as replacement figures. These figures now include main and standby battery fill holes. This renders the separation of species II in the restriction requirement moot.

Applicants wish to note that the restriction requirement at this juncture in the prosecution is contrary to the compact prosecution efforts of the patent office. The specified reasons for restriction cite essentially elements of the dependent claims, those claims having been rejected in two preceding office actions and which have been materially searched by the examiner. Therefore, the burden on the examiner, the principal justification for restriction, is non-existent. Moreover, this restriction requirement does not move the prosecution of the case forward as it does not include a response to the immediately preceding amendment nor was any attempt made at contacting applicants' representative by phone for making a telephonic election. However, to further the prosecution of the case, Applicants elect species I with traverse. A reasoned statement setting out the rationale for the traverse follows.

In traversing the restriction, Applicants note that Figures 1-5, indicated as belonging to separate species in the restriction, are the same embodiment. Applicants' submit amended drawings 1, 3b, 4b, and 5b, adding the fill holes of original figures 2a-2b, rendering the restriction of species 2 moot. The cited element of a manual switch in species I is present throughout figures 1-2b, 3b, 4b, 5b. Additionally, as stated in Applicants' specification, figures 3a, 4a, and 5a indicate the corresponding electrical circuit for the manual switch in the corresponding switch positions shown in figures 3b, 4b, and 5b, see Applicants specification paragraphs 92-94, 114, 119, and 121. Therefore, species I should properly include all of figures

1-5. Moreover, applicants note that no claim is directed to a “manual switch”, the claims are directed to a “switching device.” The switch shown in Figures 1-5 is, however, a manual switch and corresponds to the claimed switching device in each of Figures 1-5. Applicants elect species I on the basis of this traverse.

Further to the restriction requirement, as required by the action, Applicants hereby identify the generic claims and the claims directed to the elected species. Contrary to the statement of the restriction requirement, Claims 1-6 and 64-65 are generic to all the identified species. The embodiments of figures 6-9 have similar elements in the electrical schematics shown in the electrical schematics of the elected species I, figures 3a, 4a, and 5a, however each of the identified non-elected species adds elements from various dependent claims shown in the cited figures. It should be noted, however, that the embodiments shown in figures 6-9 have the same operating positions (as indicated by numbers) as those of figures 1-5 and include similar electrical components. Thus all of the cited species provide, per claim 1, for a multiple battery apparatus operating an electrical system, with a main battery (100) having a main positive output (110) coupled to an at least one switching device (300), at least one standby battery (200) coupled to the at least one switching device (300), a main electrical circuit where the electrical circuit has two operating positions for selectively and exclusively coupling either the main or the at least one standby battery to the electrical system, where in the first operating position (S1 or 350) of the at least two operating positions the main battery (100) operates the electrical system and a one-way charging circuit (400) charges the standby battery (200) and in the second operating position (S2 or 360) of the at least two operating positions the standby battery (200) exclusively provides power. These elements are clearly shown in all the cited species. Moreover, the additional limitations of claims 3-6 and 64-65 are similarly shared by all the

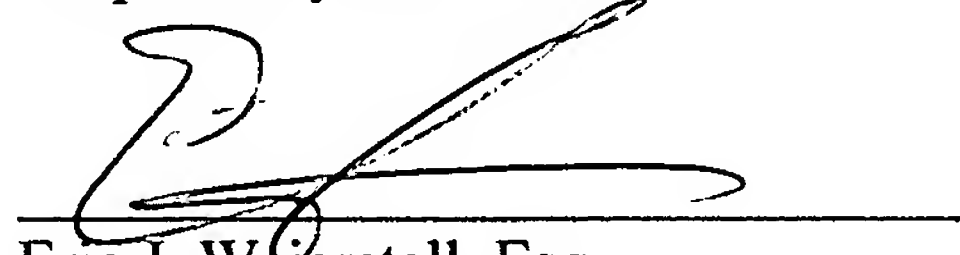
species, thus rendering them generic to all species. Thus Applicants submit that claims 1-6 and 64-65 are generic to all cited species.

Applicants submit, therefore, that claims 1-6 and 64-65 are generic to all species and claims 10-13, 17, and 29 are directed to species I. Applicants hereby withdraw the non-elected claims 7-9, 14-16, and 18-28 from prosecution. However, applicants note the right to resubmit the claims upon allowance of a generic claim, 37 CFR 1.141.

THEREFORE, because all objections and rejections remain overcome and an election of species has been made, it is submitted that claims 1-6, 10-13, 17, 29, and 64-65 are allowable, and such allowance is requested. If a telephone interview would further such allowance, the Examiner is invited to telephone the undersigned.

DATE August 17, 2006

Respectfully submitted,



Eric J. Weierstall, Esq.
Registration No. 46,331
Tangent Law Group
1201 Pennsylvania Ave., NW
Suite 300
Washington, DC 20004
Telephone: (202) 465-7180
Facsimile: (202) 661-4699

EJW
RP-002 Amendment Third Non-Final (Restriction) re-filed.doc